

## **EXHIBIT “D”**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KENNETH T. VAIL,	:	
	:	No. 02-CV-2933
Plaintiff	:	
	:	
v.	:	
	:	
HARLEYSVILLE GROUP, INC.,	:	
	:	JURY TRIAL DEMANDED
Defendant	:	Electronically Filed

**DEFENDANT HARLEYSVILLE GROUP, INC.'S PROPOSED FORM OF VERDICT**

Defendant Harleysville Group, Inc. ("Harleysville" or "Defendant"), by and through its undersigned counsel, respectfully submits the following proposed Form of Verdict:

1. Did the Plaintiff prove by a preponderance of the evidence that he is an individual with a disability under the Americans with Disabilities Act, or that Defendant regarded him as an individual with a disability under the Americans with Disabilities Act?

YES ☐ NO ☐

If no, you need proceed no further. If yes, proceed to the next question.

2. Did the Plaintiff prove by a preponderance of the evidence that disability discrimination was a determining factor in Defendant's decision to terminate his employment?

YES ☐ NO ☐

If no, you need proceed no further. If yes, proceed to the next question.

3. Do you find the Plaintiff has proven by a preponderance of the evidence that he suffered economic damages as a result of Defendant's actions?

YES ☐ NO ☐

If you answered "no," place a "0" in the space below. If you answered "yes," state the amount in the space below.

Amount: \$\_\_\_\_\_

4. Do you find the Plaintiff has proven by a preponderance of the evidence that he suffered compensatory (emotional distress) damages as a result of Defendant's actions?

YES ☐ NO ☐

If you answered "no," place a "0" in the space below. If you answered "yes," state the amount in the space below.

Amount: \$ \_\_\_\_\_

The foreperson should sign and date this Form of Verdict.

\_\_\_\_\_  
FOREPERSON

DATE: \_\_\_\_\_

Respectfully submitted by:

BLANK ROME LLP

/s/ Anthony B. Haller

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Dated: August 30, 2004

Attorneys for Defendant

Harleysville Group, Inc.